

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

AMF BOWLING CENTERS, INC.;
BOWLERO CORP.

Plaintiffs,

vs.

THOMAS TANASE,

Defendant.

§ CIVIL ACTION No. 3:23-cv-448

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**MEMORANDUM IN SUPPORT OF MOTION TO SEAL
PORTIONS OF COMPLAINT, DECLARATION, AND EXHIBITS TO
DECLARATION IN SUPPORT OF PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiffs AMF Bowling Centers, Inc. and Bowlero Corp. (collectively, "Bowlero"), by their undersigned counsel, submit this Memorandum in Support of Plaintiffs' Motion to Seal Portions of Complaint, Declaration, and Exhibits to Declaration in Support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction ("Motion to Seal"). In support of the Motion to Seal, Bowlero states:

Bowlero has moved the Court for leave to file under seal very limited portions of Bowlero's Complaint, the Declaration of Kevin Crossman (Exhibit 2) in Support of Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction, and two Exhibits attached thereto. More specifically, Bowlero only seeks to file under seal the Internet Protocol ("IP") addresses associated with Defendant Thomas Tanase, Bowlero's Founder and CEO Thomas Shannon, and Bowlero. Such IP addresses contain personally identifying information that, if filed publicly, would allow third parties to surveil the parties' internet usage. In compliance with Local Civil Rule 5, Bowlero has filed a Motion to Seal, a Proposed Order to Seal these materials, and a Notice of Motion to

Seal. For the reasons set forth in more detail below, this Court should grant Bowlero's Motion to Seal.

Argument

Pursuant to Local Civil Rule 5, this Court can order that portions of documents, whole documents, or even an entire case be placed under seal. There are three requirements for sealing court filings: (1) public notice with an opportunity to object; (2) consideration of less drastic alternatives; and (3) a statement of specific findings in support of a decision to seal and rejecting alternatives to sealing. *See, e.g., Trustees of Columbia Univ. in City of N.Y. v. NortonLifeLock, Inc.*, 2021 WL 8895279 (E.D. Va. Sept. 29, 2021) (citing *Ashcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000)). Here, these factors are satisfied. Bowlero has provided public notice of sealing. Bowlero seeks to seal only very limited portions of its pleadings containing personally identifying information; thus, no less drastic alternatives exist. Finally, the findings of fact are included in the Proposed Order accompanying this Memorandum.

The confidential information in the portions of the Complaint, Declaration, and Exhibits that Bowlero seeks to redact contain private personal information belonging to Mr. Tanase, Mr. Shannon, and Bowlero that is not generally known. Public disclosure of this information would invade the privacy of Mr. Thomas, Mr. Shannon, and Bowlero and expose them to risks of misuse by third parties. *See, e.g., Serrano v. Dep't of Navy, Naval Med. Rsch. Ctr.*, 133 Fed. App'x 82 (4th Cir. 2005) (sealing "personal identifiers, including social security numbers, dates of birth, and financial information"); *see also Rothman v. Snyder*, 2020 WL 7395488, at *4 (D. Md. Dec. 17, 2020) ("It is well established that parties may properly redact private personal information, including home addresses, personal phone numbers, and email addresses."). Bowlero therefore

has a legitimate interest that warrants an order granting its request to seal portions of the Complaint and Exhibits.

Bowlero has met the public notice requirement by filing a separate Notice of the Motion to Seal for docketing. Public notice of the Motion to Seal is satisfied by docketing the motion “reasonably in advance of deciding the issue.” *See In re Knight Publ’g Co.*, 743 F.2d 231, 235 (4th Cir. 1984) (cited by *Ashcraft*, 218 F.3d at 302).

The third *Ashcraft* consideration will be satisfied by the findings of fact in the Proposed Order that Bowlero has filed under Local Civil Rule 5(C). Bowlero is not seeking a blanket sealing of any of these documents. By only redacting portions of these documents, Bowlero has made all reasonable efforts to limit the materials sealed in connection with the underlying Complaint and motion in compliance with the law of this Circuit. Short of sealing portions of the Complaint, Declaration, and Exhibits, there are no less drastic alternatives that appropriately enable Bowlero to preserve the personal privacy of Mr. Tanase, Mr. Shannon, or Bowlero and while also stating a well-pleaded complaint and fully arguing its position in support of its Motion for a Temporary Restraining Order and Preliminary Injunction. Consequently, sealing the identified portions of the three documents is the only real means of allowing this Court to receive the information it needs to consider Bowlero’s claims while also protecting the confidential and personally identifying information and data set forth in the documents.

Conclusion

Accordingly, and in satisfaction of the requirements of Local Civil Rule 5(C), Bowlero respectfully asks the Court to maintain under seal the sealed portions of the Complaint, Declaration, and Exhibits and enter the Proposed Order sealing these materials.

Dated: July 12, 2023

Respectfully submitted,

**AMF BOWLING CENTERS, INC.
and
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CERTIFICATE OF SERVICE

I hereby certify that, on July 12, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send an email notification of such filing to all counsel of record who have filed an appearance, and that a copy of the foregoing MEMORANDUM IN SUPPORT OF MOTION TO SEAL will be served, via FedEx, on July 13, 2023 upon the following:

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